

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

SUSAN GRUND,

Plaintiff,

vs.

COMMISSIONER BUSS, in his official capacity,

Defendant.

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2:08-cv-0006-WTL-TAB

Entry Discussing Motion for Compensation

The plaintiff's motion for compensation (dkt 150), as now supplemented, is **denied**. The reasons for this ruling are: First, she seeks compensation from CMS, an entity which is not now and has not been a defendant in this case. This entity was mentioned in a proposed amendment, but this did not result in a claim being asserted against it. Second, because even if CMS is or had been a defendant, the plaintiff seeks compensation based on a theory of *respondeat superior* because of its employment of Dr. Jeffrey Smith. Such a theory is not viable in an action brought pursuant to 42 U.S.C. § 1983. *Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816 (7th Cir. 2009).

Because the plaintiff's motion for compensation fails to establish her right to the recovery she seeks, the motion (dkt 150) must be **denied**.

IT IS SO ORDERED.



Date: 07/15/2010

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

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